

Notice of Allowability

Application No.

10/669,556

Examiner

Russell Frejd

Applicant(s)

OZEKI ET AL.

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendment received 22 November 2006.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892).
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

RUSSELL FREJD
RUSSELL FREJD
PRIMARY EXAMINER

In re Application of: Ozeki et al.

Allowance of Application # 10/669,556

1. The following communication is in response to applicant's amendment received 22-November-2006. Claims 1-23 are pending in the application.

Examiner's Amendment

2. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee. The amendment is required to correct antecedent issues.

2.1 In the Claims:

claim 2	line 3	Change "said data base" to --a data base--.
claim 9	line 13	Change "the measuring device" to --a measuring device--.
claim 23	line 12	Change "the measuring device" to --a measuring device--.

Reasons for Allowance

3. The following is an Examiner's Statement of Reasons for the indication of allowable subject matter.

3.1 The instant application is directed to a non-obvious improvement over the information described in the related prior art, specifically the article entitled *A Standard Predictive Index of*

In re Application of: Ozeki et al.

Human Response to the Thermal Environment, authored by Gagge et al., which discloses temperature and sensory indices of human response to the thermal environment, developed over the past 60 years, which may be combined as a single standard of comfort, health, and performance during rest and exercise.

3.2 The improvement comprises a method for evaluating the thermal comfort of a structure comprised of a plurality of parts, wherein data related to the material property of the parts is combined with a plurality of measured data relating to the amount of solar radiation and/or heat in the structure, in order to determine a thermal comfort index of the measuring device, wherein the thermal comfort index is used to modify a design of the structure. This patentable distinction is included in each of the independent claims, nos. 1, 9, 21 and 23.

3.3 The art of record, either individually or in combination, fails to teach, suggest, or render obvious the useful, concrete and tangible <evaluation of the thermal comfort of a structure> having the corresponding structure which is disclosed in the specification and equivalents thereof at least at page 11, line 15 through page 51, line 5, and Figures 1-18. In view of the foregoing, the claims of the present application are found to be patentable over the prior art.

Response Guidelines

4. Any comments considered necessary by applicant **MUST** be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should clearly be labeled "Comments on Statement of Reasons for Allowance".

In re Application of: Ozeki et al.

4.1 Any response to the Examiner in regard to this allowance should be

directed to: Russell Frejd, telephone number (571) 272-3779, Monday-Friday from 0530 to 1400 ET, or the examiner's supervisor, Kamini Shah, telephone number (571) 272-2279. Inquires of a general nature or relating to the status of this application should be directed to the TC2100 Group Receptionist (571) 272-2100.

mailed to: Commissioner of Patents and Trademarks
P.O. Box 1450, Alexandria, VA 22313-1450

or faxed to: (571) 273-8300

Hand-delivered responses should be brought to the Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

Date: 10-December-2006

A handwritten signature in black ink that reads "RUSSELL FREJD". The signature is written in a cursive style and is positioned above a horizontal line.

**RUSSELL FREJD
PRIMARY EXAMINER**